

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:13-cv-00512-FDW-DSC**

RONALD K. THOMAS,

Plaintiff,

vs.

THE RIGHT CHOICE MWM, INC.,

Defendant.


ORDER

THIS MATTER is before the Court on Defendant The Right Choice MWM, Inc.'s ("Defendant") Motion to Dismiss for Lack of Prosecution pursuant to Rule 41(b) of the Federal Rules of Civil Procedure, (Doc. No. 21), and Plaintiff Ronald K. Thomas's ("Plaintiff") Arbitration Status Report requesting the Court order Defendant "to be responsible for setting up [the] arbitration dispute and all cost included[.]" and "allow Plaintiff to seek damages for emotional distress and punitive damages." (Doc. No. 20). After careful consideration and with an abundance of caution, the Court DENIES Defendant's Motion to Dismiss, (Doc. No. 21), and DENIES Plaintiff's requests *without prejudice* to be raised before the arbitrator. (Doc. No. 20).

Plaintiff is further warned to abide by the Court's Order that compels arbitration, requires this dispute be resolved by April 23, 2015, and requires the parties to submit status reports every ninety (90) days. (Doc. No. 19). Failure to arbitrate within the court mandated time limit is in direct contravention to this Court's Order and could result in dismissal of Plaintiff's action.

IT IS SO ORDERED.

Signed: July 29, 2014



Frank D. Whitney
Chief United States District Judge

